

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO

PATRICIA CONNOR, and SHERI L.
BYWATER, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A. and
FEDERAL NATIONAL MORTGAGE
ASSOCIATION A/K/A/ FANNIE MAE

Defendants.

Case No. 10-CV-1284 DMS (BGS)

CLASS ACTION

**DECLARATION OF SHERI L. BYWATER
IN SUPPORT OF FINAL APPROVAL OF
THE CLASS ACTION SETTLEMENT**

Hon. Dana M. Sabraw
Courtroom 10

1 I, Sheri L. Bywater, declare as follows:

2 1. I am over the age of 18 years and I have personal knowledge of the facts
3 contained in this Declaration and can competently testify to the statements contained herein. I
4 submit this declaration in support of Plaintiffs' Motion for Final Approval of the Class Action
5 Settlement.

6 2. I am an individual and representative plaintiff in this case, having been
7 added as a party plaintiff in the Second Amended Complaint filed on January 17, 2012; in the
8 Court's March 12, 2012 Order, I was designated a class representative along with Patricia
9 Connor. I filed the case *Bywater v. JP Morgan Chase Bank, N.A., et al.*, No. 3-11-CV-2257 EMC
10 (N.D. Cal.), which alleges facts and claims similar to those in this case, on May 6, 2011. That
11 action will be dismissed if final approval of the class action settlement is granted in this case.
12

13 3. I am informed and believe that I am a Class Member because Chase
14 contacted me on my cellular telephone, without my prior express consent, with an "automatic
15 telephone dialing system" that utilized an "artificial or prerecorded voice."

16 4. As a class representative, I actively monitored and in some cases
17 participated in this litigation, including reviewing and commenting upon the Complaint and the
18 Settlement Agreement. In addition, my attorneys consulted me on a number of strategic issues in
19 the case, including the settlement. I also generally made myself available to my attorneys, via
20 telephone and in person, throughout the time period that I served as a class representative and will
21 continue to do so for as long as this case remains active.

22 5. I am generally familiar with the terms of the Settlement. I recognize that
23 the Settlement is a negotiated compromise between the parties. I think the Settlement provides
24 good relief for class members for what I regard as a significant problem: unwanted robocalls
25 made to cellular phones. I therefore support the Settlement.
26
27
28

1 I declare under penalty of perjury of the laws of California and the United States that the
2 foregoing is true and correct, and that this declaration was executed at Alameda County,
3 California on June 8, 2012.

4
5 Dated: 6-8-12


6 Sheri L. Bywater